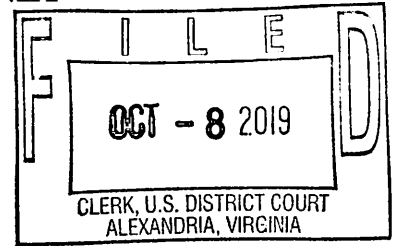


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**



CLINTON STRANGE,
Plaintiff

1:19 CV 1287
TSE/IDD

v.

WINRED TECHNICAL SERVICES LLC,
a Delaware Domestic Limited Liability Company
Defendant

**CIVIL ACTION COMPLAINT
FOR VIOLATIONS OF:
THE TELEPHONE CONSUMER PROTECTION ACT OF 1991**

PRELIMINARY STATEMENT:

1. This is an action brought in good faith by an adult individual against Defendant WINRED TECHNICAL SERVICES LLC for alleged violations of the Telephone Consumer Protection Act of 1991 (“TCPA”).

JURISDICTION & VENUE:

2. **Jurisdiction** arises in this U.S. District Court under Federal Question Jurisdiction pursuant to 28 U.S. Code § 1331.
3. **Venue** lies proper in this U.S. District Court because the Defendant can be found here pursuant to 28 U.S. Code § 1391.

PARTIES:

4. **Plaintiff** CLINTON STRANGE is an adult individual and a “person” as that term is defined under 47 U.S.C. § 153(39). He resides at the address of:

CLINTON STRANGE
7021 WINBURN DRIVE
GREENWOOD, LA 71033

5. **Defendant** WINRED TECHNICAL SERVICES LLC is a Delaware Domestic Limited Liability Company that provides political fundraising services for others via a global computer network. This Defendant is principally headquartered, according to the United States Federal Election Commission, at the address of:

WINRED TECHNICAL SERVICES LLC

1776 WILSON BOULEVARD

SUITE 530

ARLINGTON, VA 22219

, and whose Registered Agent in Delaware (where the Defendant is Incorporated)

is, according to the Delaware Division of Corporations:

RESIDENT AGENTS INC.

c/o: WINRED TECHNICAL SERVICES LLC

8 THE GREEN

SUITE # R

DOVER, DE 19901

FACTUAL ALLEGATIONS:

SECTION I:

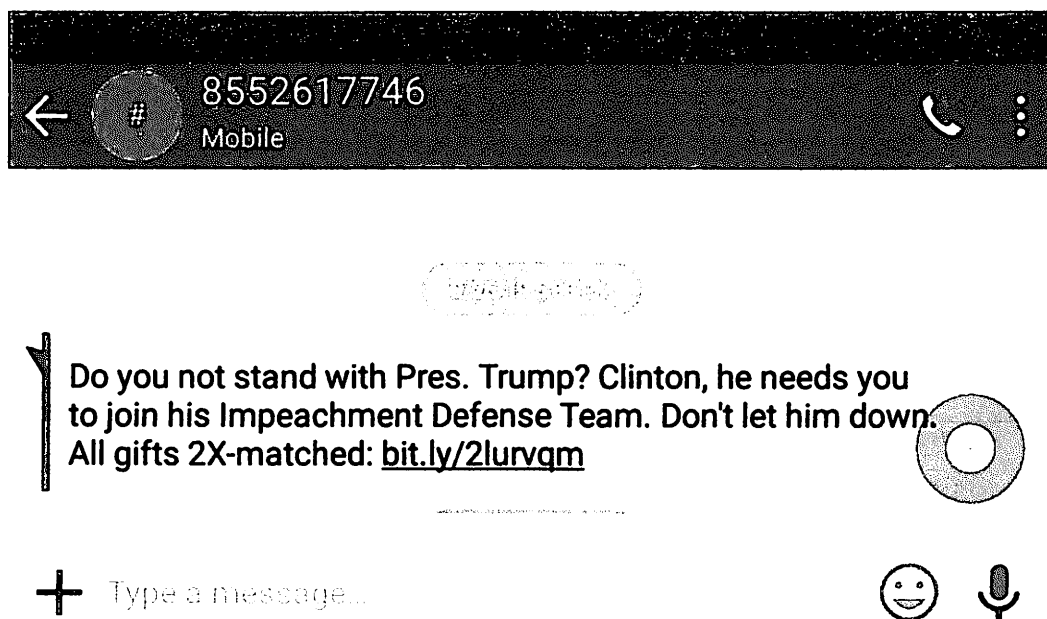
THE TCPA

6. The TCPA was signed into law by President George H.W. Bush.
7. The author of the TCPA legislation was the late Senator Ernest Fredrick “Fritz” Hollings.
8. One of Senator Hollings most memorable quotes regarding the TCPA legislation was that “[c]omputerized calls are the scourge of modern civilization. They wake us up in the morning; they interrupt our dinner at night; they force the sick and elderly out of bed; they hound us until we want

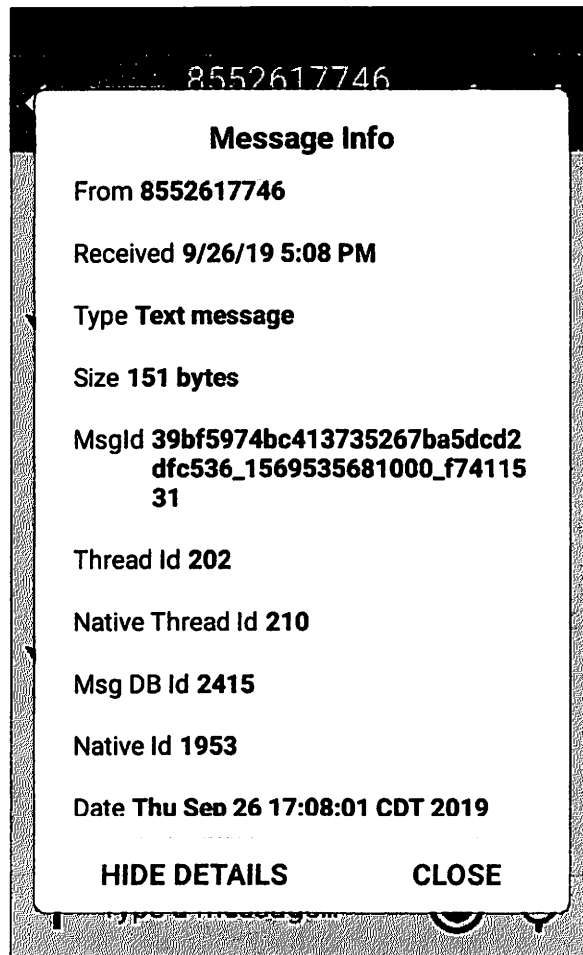
to rip the telephone right out of the wall.” 137 Cong. Rec. S16,205 (daily ed. Nov. 7, 1991) (statement of Sen. Hollings).

SECTION II: THE TEXT MESSAGE SPAM

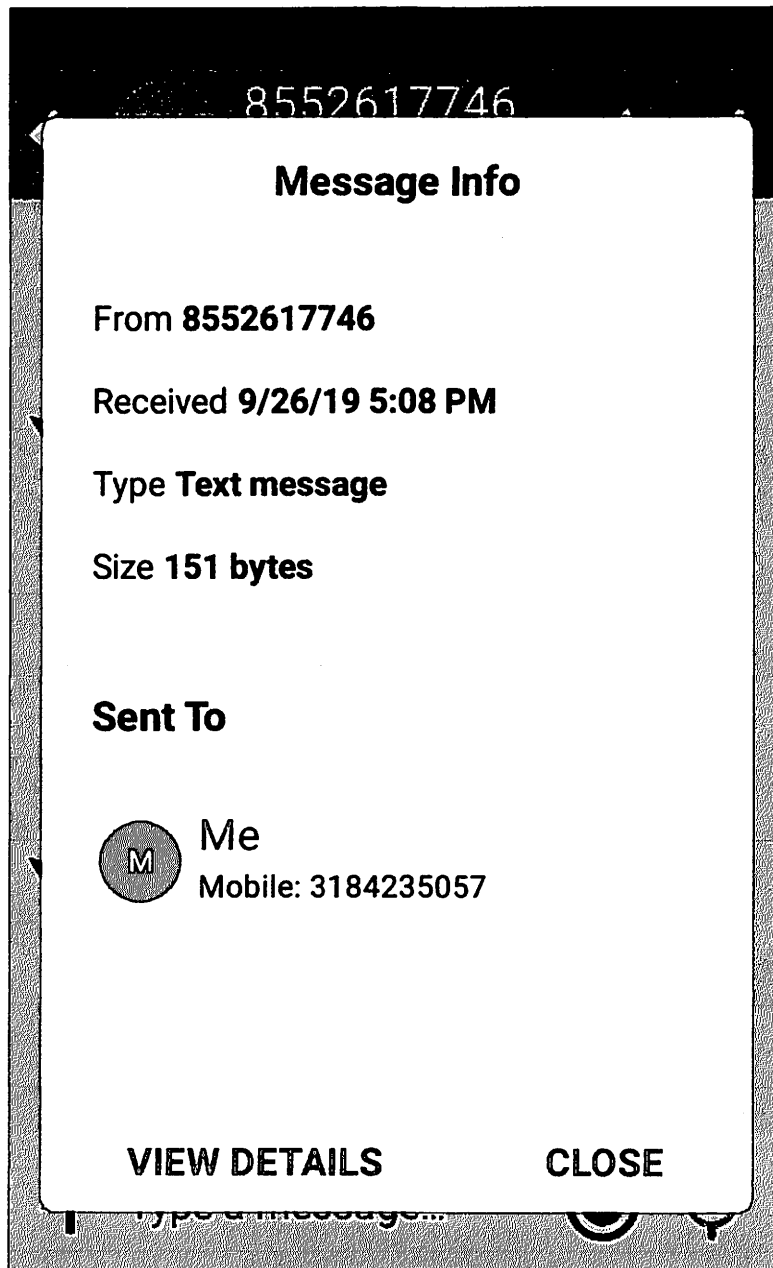
9. On September 26, 2019 at 5:08pm CST the Plaintiff began to receive text message spam on his phone sent by or on behalf of Defendant who was purportedly trying to raise money for the Republican National Committee (“RNC”). The Plaintiff represents that the following image is a Screen Shot from his cellphone of that first text message:



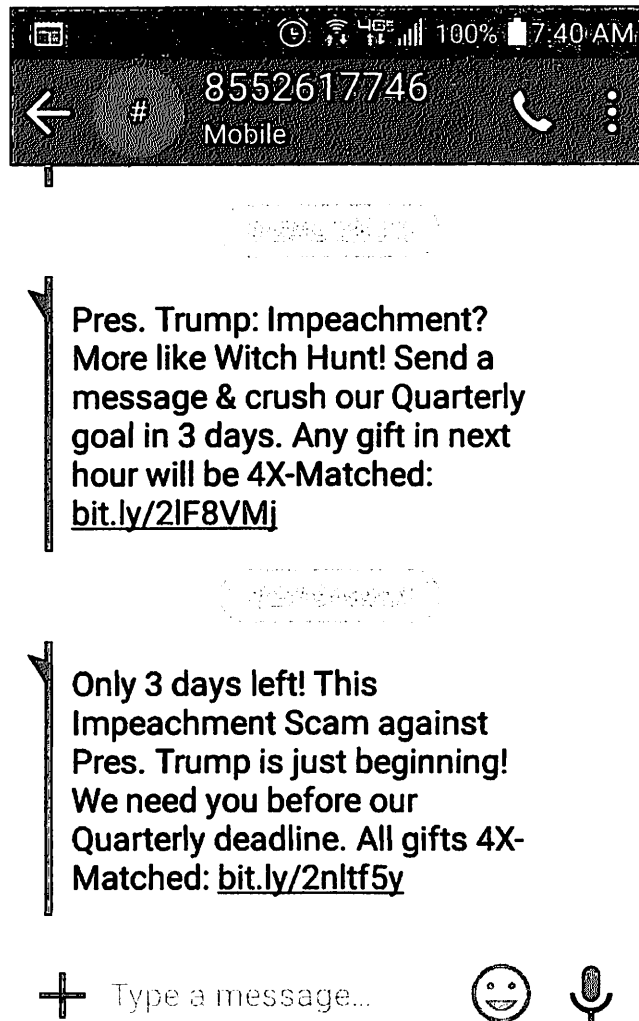
10. The Plaintiff represents that the following image is a screen shot of his cellphone containing the message details of the first text message:



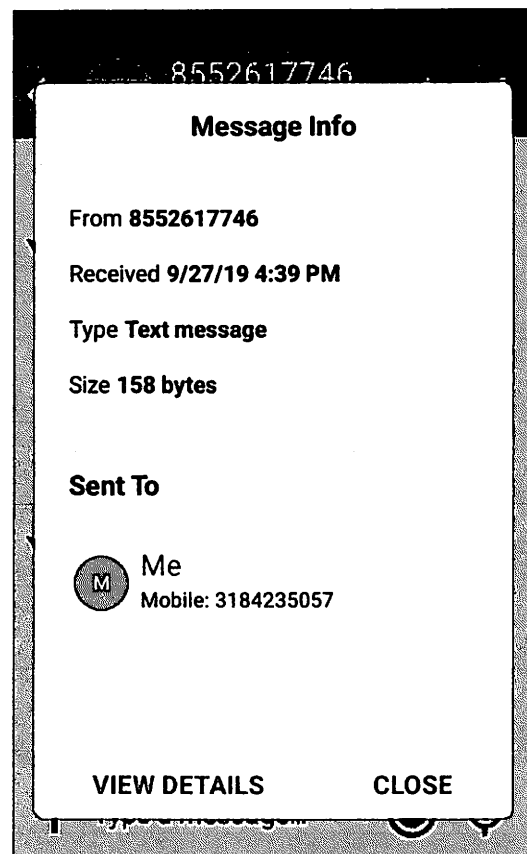
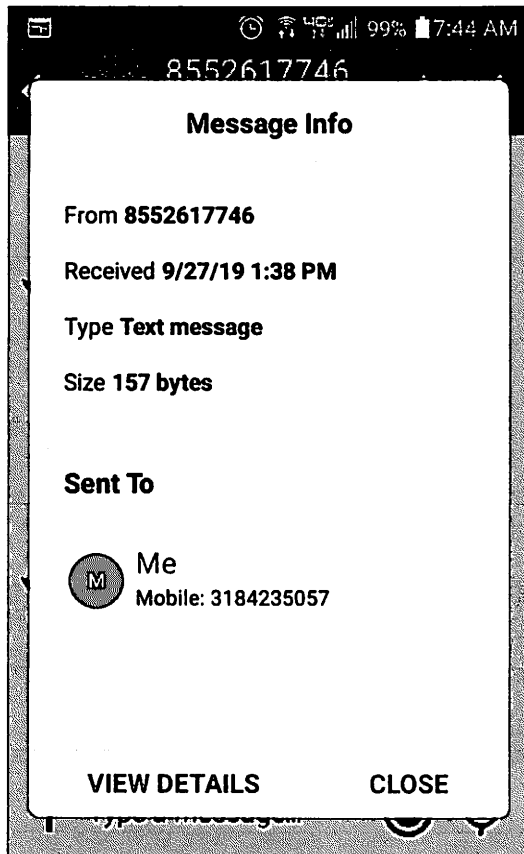
11. The Plaintiff represents that the following image is the Message Information screen shot from his cellphone indicating that the first text message was sent to his cellphone:



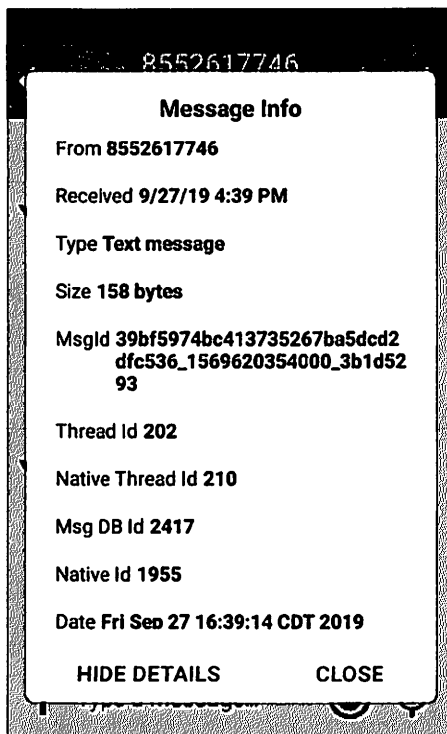
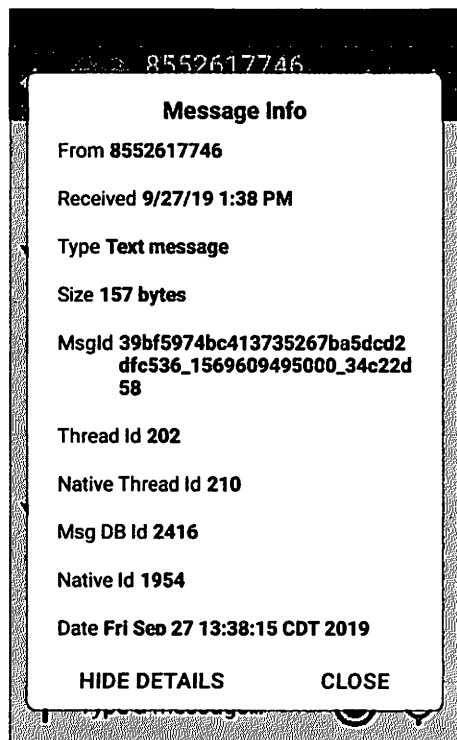
12. The Plaintiff received two more text messages from the Defendant on September 27, 2019. The Plaintiff represents that the following image is a screen shot of those two text messages:



13. The Plaintiff represents that the following images are screen shots containing the message information in regard to those two text messages:



14. The Plaintiff represents that the following images are screen shots from his cellphone in regard to the message details of the two text messages sent on September 27, 2019:



15. The Plaintiff represents that when he clicked on the hyperlinks in the text message spam the hyperlinks (redirects) were as follows:

- a- (from September 26, 2019 at 5:08pm CST)
https://secure.winred.com/rnc/impeachment-defense-force?utm_medium=sms&utm_source=opns_rnc_ld&utm_campaign=20190926_impeachment-defense-force-16_gop_rnc&utm_content=gop_direct-ask&amount=45
- b- (from September 27, 2019 at 1:38pm CST)
https://secure.winred.com/rnc/sept-19-eoq?utm_medium=sms&utm_source=opns_rnc_ld&utm_campaign=20190927_eoq-witch-hunt-16_djt_rnc&utm_content=gop_direct-ask&amount=35
- c- (from September 27, 2019 at 4:39pm CST)
https://secure.winred.com/rnc/sept-19-eoq?utm_medium=sms&utm_source=opns_rnc_ld&utm_campaign=20190927_eoq-scam-16_gop_rnc&utm_content=gop_direct-ask&amount=35

SECTION III:

THE HARM THE TEXT MESSAGE SPAM CAUSED THE PLAINTIFF

16. The text message spam depleted and or deallocated valuable disk space (memory) on the Plaintiff's cellphone to the tune of approximately 466 bytes.
17. The text message spam caused Plaintiff to lose approximately 466 bytes of allocated Broadband allocated download/upload bytes off his pre-paid Verizon Wireless Data plan allotment (for the month of September 2019).
18. Each and every text message spam sent caused the Plaintiff's cellphone to "awaken" from rest mode, illuminate, chime, and vibrate causing a measurable amount of battery depletion on Plaintiff's cellphone battery.
19. Each and every text message spam that the Defendant sent to the Plaintiff's cellphone caused the Plaintiff to have to walk to his cellphone, unlock it, and review the contents of the unwanted communication, and remove it from his incoming message queue. This caused the Plaintiff to have to expend a measurable amount of both Physical and Mental energy to deal with the unwanted text message spam that Defendant placed to his cellphone.
20. Text Message Marketers know that Text Messages have a ninety-nine percent (99%) open rate overall, and that ninety percent (90%) of all text messages are opened and read within three minutes of receipt.
21. The Plaintiff recalls "clicking" on at least two of the hyperlinks in the body of the text message spam to see what the messages were concerning. This caused

Plaintiff to waste his valuable time, and also caused Plaintiff to spend even more valuable mobile data broadband bytes allocated to his pre-paid mobile data plan.

22. Text Message Marketers know that sending spam texts are illegal (without the consent of the recipient), but the pay-off is so much greater than the risks of a consumer actually filing a lawsuit under the TCPA, so they willingly take the risks.

SECTION IV:

VICARIOUS LIABILITY AND AGENCY

23. The Plaintiff does not yet know if the text message spam sent using an ATDS was sent directly by or “on behalf” of Defendant. Regardless the Defendant is liable to the Plaintiff for damages under the TCPA.
24. The Plaintiff does not know if the Defendant obtained lead lists that included the Plaintiff from a Doe party, or if The RNC provided the Defendant a list of “prospective donors” to contact via illegal text messaging.
25. These issues will come to light during discovery and Plaintiff reserves the right to Amend his complaint accordingly.

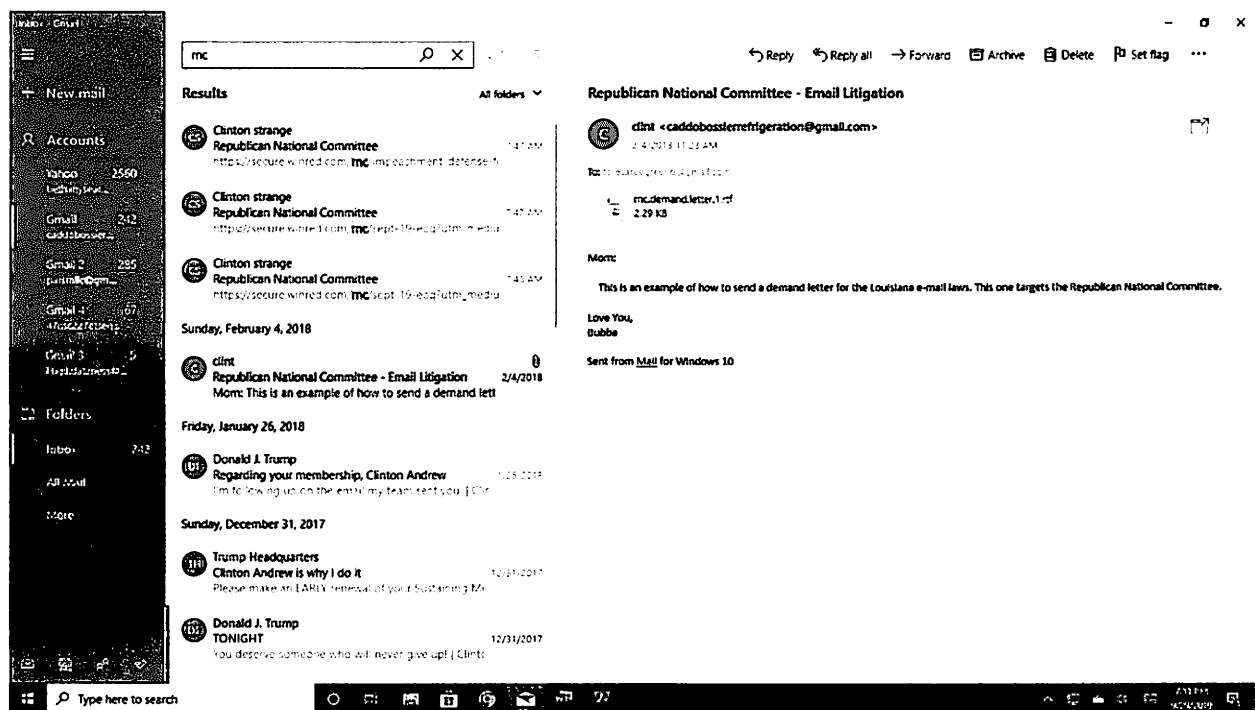
SECTION V:

HOW THE PLAINTIFF SOUGHT TO MITIGATE HIS DAMAGES

26. The Plaintiff wrote a Demand Letter to the RNC on February 4, 2018

threatening a civil suit if they did not stop emailing him [See Exhibit A].

27. The Plaintiff has no proof of the mailing but sent his mother a copy of the demand letter, and after the RNC received it He was suppressed from all further RNC emails. The Plaintiff never received another RNC email after that date to his caddobossierrefrigeration@gmail.com email address.



28. The Plaintiff registered his cellphone number 318-423-5057 on the U.S.

Federal Trade Commission's Do-Not-Call Registry on January 3, 2018 [See Exhibit B].

29. The Plaintiff Registered his cellphone also with the Louisiana Public Service

Commission's Do-Not-Call Program on August 2, 2018 [See Exhibit C].

SECTION VI:

HOW THE FCC SOUGHT TO MITIGATE THE PLAINTIFF'S DAMAGES

30. The FCC issued an "FCC ENFORCEMENT ADVISORY" to Political

Campaigns on March 14, 2016 that organizations such as the Defendant and the RNC would necessarily have received that laid out the FCC's regulatory position regarding Robocalls and Text message spam in precise details [See Exhibit D].

SECTION VII:

THE TEXT MESSAGES WERE SENT VIA AN ATDS

31. An Automatic Telephone Dialing System ("ATDS") has been defined as "the equipment used to place calls that store or produce numbers to be called "using a random or sequential number generator."

32. The Plaintiff knows nothing *specific* about the type of equipment that was used to send out the mass text messages. He does allege that they *must have* been sent utilizing an ATDS based on the following:

- a- The Defendant's terms of use (to the website he was redirected to) <https://secure.winred.com> state "By providing your phone number, you are consenting to receive calls and SMS/MMS msgs, including autodialed and automated calls and texts, to that number from the Republican National Committee. Msg&data rates may apply. Terms & conditions/privacy policy apply www.80810-info.com." [See Exhibit E].
- b- The sheer volume of calls (calls, faxes, and texts are regarded as the same under the TCPA) indicate that an ATDS was being utilized.
33. The website that the Plaintiff was redirected to was <https://secure.winred.com> and that Defendant is the registrant of that website according to domain registrant data [See Exhibit F].

THE COUNTS & CAUSES OF ACTION:

COUNT I:

(Plaintiff v. Defendant)

NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT

47 U.S. Code § 227(b)(1)(A)(iii)

34. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.
35. Subsection b of the TCPA makes it unlawful for a telemarketer to place calls / texts to a cellphone using an ATDS or a pre-recorded voice (message)

without the written consent of the called party. The Defendant did not have the Plaintiff's consent.

36.Evidence presented at trial will show that the Defendant placed at least three (3) of such calls to the Plaintiff's cellphone.

37.To the extent the Court finds that this conduct was only negligent the Plaintiff seeks damages of \$500.00 for each and every violation under this count.

COUNT II:

(Plaintiff v. Defendant)

**WILLFUL AND KNOWING VIOLATIONS OF THE TELEPHONE
CONSUMER PROTECTION ACT**

47 U.S. Code § 227(b)(1)(A)(iii)

38.Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

39.Subsection b of the TCPA makes it unlawful for a telemarketer to place calls / texts to a cellphone using an ATDS or a pre-recorded voice (message) without the written consent of the called party. The Defendant did not have the Plaintiff's consent.

40.Evidence presented at trial will show that the Defendant placed at least three (3) of such calls to the Plaintiff's cellphone.

41.To the extent the Court finds that this conduct was done willfully and knowingly the Plaintiff seeks damages of \$1500.00 for each and every violation under this count.

PRAYER FOR RELIEF:

Jury Trial Demand;

Plaintiff demands trial by jury on all issues so triable.

Prayer for Relief;

WHEREFORE, Plaintiff seeks judgement in Plaintiff's favor and damages against the Defendants, based on the following requested relief:

Statutory Damages;

Actual Damages;

Treble Damages;

Stacked Damages;

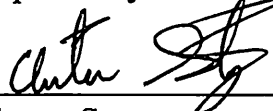
Pre and Post Judgement Interest;

Enjoinder from further violations of these parts;

Costs of litigating the action together along with all reasonable attorney's fees (if any) and court costs;

And such other and further relief as may be necessary, just and proper.

Respectfully Submitted,

X  _____

Clinton Strange

Pro Se

7021 Winburn Drive

Greenwood, LA 71033

318-423-5057

CaddoBossierRefrigeration@gmail.com

9-30-2019

Dated

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

CLINTON STRANGE

Plaintiff(s),

v.

Civil Action Number: _____

WINRED TECHNICAL SERVICES LLC

Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of The Civil Action Complaint [ECF No.1]
(Title of Document)

CLINTON STRANGE

Name of *Pro Se* Party (Print or Type)



Signature of *Pro Se* Party

Executed on: 09/30/2019 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of _____
(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

(Name of *Pro Se* Party (Print or Type)

Signature of *Pro Se* Party

Executed on: _____ (Date)